



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
NATIONAL GUARD BUREAU  
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ARLINGTON, VA 22202-3231

NBG-ARH

08 JUL 2005

MEMORANDUM FOR The Military Personnel Management Officers of All States,  
Puerto Rico, The Virgin Islands, Guam, and The District of Columbia

SUBJECT: Interim Guidance on the Lautenberg Amendment (NGB-ARH Memo #05-051)

1. References:

a. Department of Defense Policy (DoD) Memorandum, subject: Department of Defense (DoD) Policy for Implementation of Domestic Violence Misdemeanor Amendment to the Gun Control Act for Military Personnel, 27 Nov 02.

b. HQDA (DAPE-MPE) Message 230826Z OCT 03, subject: HQDA Message on Final Implementation of the Lautenberg

c. AR 135-178, Enlisted Administrative Separations, 17 Oct 03.

d. NGR 600-200, Enlisted Personnel Management, 1 Mar 97.

e. AR 635-200, Active Duty Enlisted Administrative Separations, 15 Jul 04.

2. This serves to clarify the interpretation of paragraph 3.A.C of the HQDA Message dated 23 Oct 03 listed in reference 1.a. above. This paragraph states that "...a felony crime of domestic violence adjudged on or after 27 Nov 02, shall be considered a qualifying conviction for the purposes of this message..." States have asked if this means that Soldiers do not have a qualifying conviction if they were convicted prior to 27 Nov 02.

a. Misdemeanor convictions of domestic violence. Lautenberg is retroactive. Regardless of when the conviction occurred, Soldiers may not enlist or reenlist with this type of conviction because the Soldier is forbidden from carrying a weapon.

b. Felony convictions of domestic violence occurring on or after 27 Nov 02. According to DoD policy, any person with this type of conviction is prohibited from carrying a weapon, thus they are ineligible to enlist or reenlist. DoD policy contains guidance regarding administrative procedures.

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c. Felony convictions of domestic violence occurring prior to 27 Nov 02. According to DoD policy, these Soldiers do not have a "qualifying conviction", accordingly, they may still carry a weapon.

3. Prior service Soldiers may reenlist without adverse policy effects.

4. Non-prior service applicants are ineligible to enlist with a felony conviction without a waiver. Additionally, an applicant who had a juvenile felony conviction of domestic violence that was adjudged prior to 27 Nov 02 may request a waiver for enlistment. The approving authority for this waiver will be NGB-ARH. Requests will be processed the same as requests for exception to policy per the Enlistment Criteria Memorandum (ECM). Requests must be sent through the Guidance Counselor Review System and must include all documentation related to the conviction. The applicant's letter must be detailed and explain any applicable punishment and/or rehabilitation they have received as a result of the conviction. The applicant must meet all other standards of the ECM and must have final disposition of their case and waited the applicable waiting period prior to applying for enlistment.

5. Point of contact is MAJ Donna McDermott, 703-607-3302, DSN 327-3302, or email: Donna.McDermott@ngb.army.mil.

  
for ROBERT P. ROGERS  
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cc:

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